

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ERIC SANTANA

Plaintiff,

Case No.: 1:21-cv-10520

- against -

NYC MOTORCARS CORPORATION

and

FAWAD AWAN

Defendants.

**DECLARATION OF
GREGORY R. MANSELL
IN SUPPORT OF PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT**

I, Gregory R. Mansell, Esq., declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and accurate:

1. I am a member of the Bar of this Court and am associated with the firm of Mansell Law LLC, attorneys for Plaintiff, Eric Santana, in the above-entitled action. As such, I have personal knowledge of the facts set forth herein.
2. I submit this declaration in support of Plaintiff's application for a Default Judgment against Defendant NYC Motorcars Corporation pursuant to Fed. R. Civ. 55.2(b) and Local Rule 55.2(b).
3. Defendant NYC Motorcars Corporation is not an individual, an infant, incompetent or a member of the United States armed forces.
4. This is an action brought under the Fair Labor Standards Act ("FLSA") and New York Labor Law to recover lost wages, unpaid wages, unpaid overtime, unpaid spread of hours pay, liquidated damages, costs, and attorneys' fees. A true and accurate copy of the Complaint is attached hereto and incorporated herein as Exhibit A(1).
5. Jurisdiction of the subject matter of this action is based on federal question jurisdiction

pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over the Plaintiff's state law claims is proper pursuant to 28 U.S.C. §1367.

6. This action was commenced on December 10, 2021, by the filing of the summons and complaint. (Exhibit A(1)).

7. A copy of the summons and complaint was served on the Defendant NYC Motorcars Corporation on January 16, 2022, by personal service on David Bergman, Sales Manager, an agent legally authorized to accept service and proof of service by the Special Process Server was filed on January 27, 2022. A true and accurate copy of the Summons and Affidavit of Proof of Service are attached hereto and incorporated herein as Exhibits A(2) and A(3), respectively.

8. Defendant NYC Motorcars Corporation has not answered the Complaint and the time for Defendant NYC Motorcars Corporation to answer the complaint has expired.

9. On March 17, 2022, Plaintiff requested a Clerk's Certificate of Default against Defendant Motorcars. The Clerk's Certificate of Default was issued on March 21, 2022. A true and accurate copy of the Clerk's Certificate of Default is attached hereto and incorporated herein as Exhibit A(4).

10. Plaintiff now respectfully requests that Court enter a Default Judgment against Defendant NYC Motorcars Corporation pursuant to Fed R. Civ. 55 and Local Rule 55 on all claims alleged by Plaintiff in his complaint, including statutory damages, attorneys' fees, costs and interest.

11. This action seeks judgment for the amount of \$111,711.26, as shown by the Statement attached hereto and incorporated herein as Exhibit A(5), and accompanying sub-exhibits incorporated therein, which is justly due and owing, and no part of which has been paid.

12. The declaration of Plaintiff Eric Santana is attached to and incorporated in Plaintiff's Memorandum In Support of the Motion for default judgment as Exhibit B.

13. I am a 2009 graduate of The Ohio State University, Moritz College of Law. Since becoming licensed, my practice has been almost exclusively devoted to employment and wage and hour litigation. I founded Mansell Law LLC in March 2012 as a solo practitioner. Mansell Law now has 4 attorneys: 2 Partners, and 2 Associates and operates out of offices located in Ohio and New York.

14. I have served as lead counsel or co-counsel on more than 450 employment law cases filed in both federal and state courts in New York and Ohio. I have represented wage and hour plaintiffs in more than 40 cases. I have obtained more than ten judgments, arbitrators' awards, and jury verdicts under federal and state employment laws and successfully argued before State and Federal Court of Appeals.

15. I have presented at seminars and classes related to employment litigation and trial practice. I have written and published several articles on employment law topics.

16. I have been selected by my peers as a Super Lawyer, Rising Star for six consecutive years, between 2014-2019, and 2021-22 in Plaintiff Side Employment Law. I have also been selected to the U.S. News and World Reports, Best Lawyers in America publication for the past four consecutive years (2019-2022) in two categories: (1) "Employment Law – Individuals"; (2) "Litigation – Labor and Employment." Mansell Law, LLC has also been selected to the U.S. News and World Reports, Best Lawyers in America publication as Best Law Firms in America, for the past three consecutive years (2020-2022) in two categories: (1) "Employment Law – Individuals"; (2) "Litigation – Labor and Employment."

17. My current hourly rate in New York is \$420.00 per hour. My hourly rate is my firm's

current usual, and customary rate charged in this type of case.

18. Last year, the Court of Claims of Ohio approved my lodestar, in which I requested an hourly rate of \$400. See *Oakley v. The Ohio State Wexner Medical Center*, Case No. 2017-00845 (January 13, 2021); (See Jan. 5, 2021 Pls.’ Supplemental Evid. in Support of Motion for Order Approving Award of Fees’ to Class Counsel; Exh. 1 – Mansell Aff.; See also January 13, 2021 Entry Approving Motion). This rate has been approved on several matters in 2021.

19. It is Mansell Law LLC’s practice to maintain detailed and contemporaneous records of all billable case work performed by attorneys. My detailed time records for work performed in this case is attached hereto and incorporated herein as Exhibit A(6). I am seeking attorneys’ fees for 23.9 hours of my time spent on this matter.

20. Prior to finalizing the time records, I exercised billing judgment and eliminated unnecessary, excessive, or duplicate hours when billing in this matter. I also eliminated tasks that were purely administrative in nature.

21. It is Mansell Law LLC’s practice to maintain detailed and contemporaneous records of all costs associated with client cases. Detailed records of costs associated with the above-captioned action are attached hereto and incorporated herein as Exhibits A(5) and A(6)(i). These costs were reasonably necessary to litigate this matter.

22. As part of my work in employment law and wage and hour matters, I have become familiar with the rates charged by attorneys prosecuting and defending these actions in the Second Circuit, including the Southern District of New York and New York City, specifically. From my familiarity with rates charged by other counsel with similar experience, knowledge, skill, and training in federal litigation in New York federal courts, the awards and documentation made in previous fees litigation involving myself, and fees awarded by other courts here, I

believe that the hourly rates stated above are within the market rate for an attorney of similar background and experience on similar matters.

23. A Memorandum in Support of Plaintiff's Motion for Entry of Default, filed concurrently herewith, establishes the legal and factual authority for Defendant NYC Motorcars Corporation's liability in this action.

24. Plaintiff's Motion for Default Judgment and the accompanying Memorandum, declarations, and exhibits filed therewith were mailed to Defendant NYC Motorcars currently to filing with this Court. A true and accurate copy of proof of such mailing is attached hereto and incorporated herein as Exhibit A(7).

25. A proposed Order of Default Judgment is attached hereto as Exhibit A(8).

26. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
April 18, 2022

Gregory Mansell

(Gregory R. Mansell)